IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL FROM ORDER NO.438 OF 2005

St.Anthony's Home Co-operative Society Ltd. .. Appellant. (Orig.Deft.No.5)

V/s.

Mr.Danny D'Souza .. Respondent. (Nos.1 to 10 Orig.Plffs.) (Nos.11 to 14 Orig.Defts.)

Mr.Clifford Martis for the appellant.

CORAM : A.S. OKA, J.

DATED : 5TH APRIL, 2005.

P.C. :

1. This Appeal from Order is preferred by the Original Defendant No.5 for challenging the order dated February 11, 2005. By the said order the learned Trial Judge has decided the preliminary issue of jurisdiction in favour of the Original Plaintiffs. The learned Trial Judge held that the Trial Court has jurisdiction to entertain and try the suit.

2. The Appeal from Order for challenging the impugned order is not maintainable in law. Hence, the appeal is dismissed as not maintainable. Notwithstanding the dismissal of the appeal, it will always be open to the Appellant to file appropriate proceedings for challenging the impugned judgment and order.

3. Parties to act on authenticated copy of this order.